

**REMARKS**

Claims 1, 17, 29, 40, 55, 63, 64 and 66 have been amended. Claims 1-69 remain in the application for consideration. In view of the following amendments and remarks, Applicant respectfully solicits allowance of the application and furtherance onto issuance.

## § 101 Rejections

Claims 40-47 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter.

As amended, **claim 40** recites a data structure embodied on a computer-readable medium comprising [emphasis added]:

- a first sub-structure indicative of a *software extension* that is to be incorporated in a software application program;
- one or more second sub-structures associated with the first sub-structure and *indicating feature types that are added by the extension* to the application program; and
- one or more third sub-structures associated with the one or more second sub-structures and *indicating features of an associated feature type* that are added *by the extension*.

In making out the rejection of this claim, the Office argues that Applicant has not recited the functional interrelationship between the first, second, and third sub-structures to constitute a true data structure. Applicant strongly disagrees and traverses the rejection.

Applicant respectfully submits that there is a functional interrelationship between the first and second sub-structures, as the first sub-structure is indicative of a software extension and the second indicates feature types *added by the*

1 *extension*. Likewise, there is a functional interrelationship between the second and  
2 third sub-structures, as the second sub-structure indicates *feature types* added by  
3 the extension and the third sub-structure *indicates features of an associated*  
4 *feature type*. Moreover, there is a functional interrelationship between the first and  
5 third sub-structures, as the first sub-structure is indicative of a *software extension*  
6 and the third sub-structure indicates features of an associated feature type *added*  
7 *by the extension*. Applicant respectfully maintains that the claimed data structure  
8 is a “physical or logical relationship among data elements” (i.e. the first, second  
9 and third sub-structures) “designed to support specific data manipulation function”  
10 (i.e. delivery of software extensions via a network) and is therefore statutory  
11 subject matter. In addition, **claims 41-47**, which depend on claim 40, are statutory  
12 for similar reasons.

13 Accordingly, Applicant respectfully solicits withdrawal of this rejection.

14

15 **§ 102 Rejections**

16 Claims 1-69 stand rejected under 35 U.S.C § 102(e), as being anticipated  
17 by U.S. Patent No. 6,253,366 to Mutschler, III (hereinafter “Mutschler”).

18

19 **Claims 1-16**

20 As amended, **claim 1** recites a method comprising [emphasis added]:

21

- 22 • describing one or more software extensions using descriptions, the  
extensions being configured for incorporation in a software platform  
executing on a client; and
- 23 • delivering the descriptions of the one or more extensions to the client  
via a network, the descriptions being configured for use in  
downloading the software extensions via the network;
- 24 • said acts of describing and delivering being configured to *enable*  
*software to be delivered over the network*.

1           In making out the rejection of this claim, the Office cites to Mutschler's  
2 column 4, lines 21-30 and 48-60, and to column 6, lines 13-16. The excerpts cited  
3 by the Office are set out in their entireties below [emphasis added]:

4           Users of workgroup-based and component development tools  
5 are finding it increasingly difficult to coordinate their  
6 software development efforts across the enterprise. A solution  
7 in accordance with the present invention employs the benefits  
8 of XMI (XML Metadata Interchange), which is an open  
9 industry standard that combines the benefits of the Web-  
10 based XML standard for defining, validating and sharing  
11 document formats on the Web with the Meta Object  
12 Framework (MOF) to provide a means for generating formats  
13 to allow the development tools to share information. One  
14 particular use of this invention is to define an XML DTD for  
15 the object-oriented Unified Modeling Language (UML).  
16 *Column 4, lines 21-30.*

17           In order to accomplish the objects of the present invention it  
18 is necessary to generate Document Type Definitions ("DTD")  
19 for the Extensible Markup Language ("XML"), a World Wide  
20 Web Consortium standard. A DTD is a set of rules governing  
21 the element types that are allowed within an XML document  
22 and rules specifying the allowed content and attributes of  
23 each element type. The DTD also declares all the external  
entities referenced within the document and the notations that  
can be used. Stated otherwise, an ***XML DTD provides a***  
***means by which an XML processor can validate the syntax***  
***and some of the semantics of an XML document.*** An XMI  
DTD specifies the particular elements allowed in an XMI  
document. *Column 4, lines 48-60.*

24           The ORB 14 is coupled to the tool 15 by means of an  
25 import/export module 22; and, in a like manner to the tool 17  
by means of an import/export module 23. The term "import"  
as used herein shall mean the creation of an object based on a  
description of an object transmitted from an external entity.  
*Column 6, lines 13-16.*

26           Applicant respectfully submits that Mutschler in general, and these excerpts  
27 specifically, do not disclose or suggest "describing one or more software

1 extensions" and "delivering the descriptions of the one or more extensions" such  
2 that *software* can be delivered over a network. Rather, the excerpts cited by the  
3 Office simply describe aspects of Mutschler's methods and systems for generating  
4 a compact Document Type Definition (DTD) for *data interchange* among  
5 software tools. The Office's attention is respectfully drawn to Mutschler's title  
6 ("Method and System for Generating a Compact Document Type Definition for  
7 *Data Interchange* among Software Tools"), Field of the Invention ("... a method  
8 and system for generating a compact Document Type Definition for *data*  
9 *interchange* among software tools. . . ."), and column 4, line 61, through column  
10 5, line 15 ("... the present invention includes a DTD generator 19, which effects  
11 *data interchange* . . . by defining the contents of the messages exchanged. . . .")  
12 for confirmation that Mutschler discloses methods and systems for data  
13 interchange, as opposed to *software* delivery. Mutschler's methods and systems do  
14 not disclose or suggest enabling *software* to be delivered over a network. If  
15 Mutschler had intended its systems and methods to be directed to delivering  
16 software over a network, then Mutschler surely would have made mention of this  
17 fact in its disclosure. As any such mention of this is conspicuously absent from  
18 Mutschler's disclosure, it is quite apparent that Mutschler had no such intention.  
19 Accordingly, for at least this reason, this claim is allowable.

20 **Claims 2-16** depend from claim 1 and are allowable as depending from an  
21 allowable base claim. These claims are also allowable for their own recited  
22 features which, in combination with those recited in claim 1, are neither disclosed  
23 nor suggested in the references of record, either singly or in combination with one  
24 another.

1                   **Claim 17**

2                   As amended, **claim 17** recites one or more computer-readable media having  
3                   computer-readable instructions thereon which, when executed by a computer  
4                   system, cause the computer system to [emphasis added]:

5

- 6                   • describe one or more software extensions using extensible markup  
7                   language (XML), the extensions being configured for incorporation  
8                   in a software platform comprising a single application program, the  
9                   single application program having multiple different functionalities  
10                   that can enable a user to accomplish multiple different tasks; and
- 11                   • deliver XML descriptions of the one or more extensions to the client  
12                   via the Internet, the descriptions being configured for use in  
13                   downloading the software extensions via the Internet;
- 14                   • wherein causing said computer system to describe one or more  
15                   extensions and deliver XML descriptions *enables software to be*  
16                   *delivered over the Internet.*

17                   In making out the rejection of this claim, the Office cites to the same  
18                   sections of Mutschler as were cited to in making out the rejection of claim 1. As  
19                   noted above, these excerpts simply describe aspects of Mutschler's methods and  
20                   systems for generating a compact Document Type Definition (DTD) for *data*  
21                   *interchange* among software tools. Mutschler generally, and these excerpts  
22                   specifically, have nothing to do with enabling *software* to be delivered over the  
23                   Internet. Accordingly, for at least this reason, this claim is allowable.

24                   **Claims 18-28**

25                   **Claim 18** recites a method comprising [emphasis added]:

26

- 27                   • describing one or more software extensions using one or more  
28                   descriptive files, the extensions being configured for incorporation in  
29                   a software program executing on a client;

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- 2 associating the one or more descriptive files with one or more
- 3 associated extension files *that are useable to provide a program*
- 4 *functionality*;
- 5
- 6 storing the descriptive files and associated extension files in a
- 7 network-accessible location; and
- 8
- 9 delivering the descriptive files and the associated extension files of
- 10 the one or more extensions to the client via a network.

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12 In making out the rejection of this claim, the Office cites to column 4, lines

13 54-56, for the act of associating. This excerpt is set forth below:

14

15 The DTD also declares all the external entities referenced

16 within the document and the notations that can be used.

17

18 Applicant respectfully submits that nowhere in this excerpt, or any other

19 portion of the reference, does Mutschler disclose or suggest extension files that are

20 *useable to provide a program functionality*. As noted above, Mutschler discloses

21 methods and systems for *data interchange*. Applicant has reviewed Mutschler and

22 can find nothing equivalent to Applicant's extension files that would be *useable to*

23 *provide a program functionality*, as Applicant has defined and used those terms in

24 its specification and claims. Accordingly, for at least this reason, this claim is

25 allowable.

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27 **Claims 19-28** depend from claim 18 and are allowable as depending from

28 an allowable base claim. These claims are also allowable for their own recited

29 features which, in combination with those recited in claim 18, are neither disclosed

30 nor suggested in the references of record, either singly or in combination with one

31 another.

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33 **Claims 29-39**

1 As amended, **claim 29** recites a method comprising [emphasis added]:

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- storing one or more extension definition files (EDFs) that describe a logical attachment to a software application program;
- storing one or more extension files that correspond to the one or more EDFs and extend the software application program;
- delivering, via a network, at least one EDF to a client; and
- delivering, via the network, at least one extension file that corresponds to the at least one EDF to a client;
- both of said acts of storing and both of said acts of delivering ***enabling software to be delivered over the network.***

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9 In making out the rejection of this claim, the Office cites to Figs. 1 and 2  
10 (as anticipating the first “storing” act), to column 2, lines 37-43 (as anticipating  
11 the second “storing” act), and to column 4, lines 29-39 (as anticipating the  
12 “delivering” acts).

13 However, Applicant respectfully submits that Mutschler in general, and  
14 these excerpts specifically, do not disclose or suggest acts of storing and  
15 delivering such that ***software*** can be delivered over a network. Rather, the excerpts  
16 cited by the Office simply describe aspects of Mutschler’s methods and systems  
17 for generating a compact Document Type Definition (DTD) for ***data interchange***  
18 among software tools. The Office’s attention is respectfully drawn to Mutschler’s  
19 title (“Method and System for Generating a Compact Document Type Definition  
20 for ***Data Interchange*** among Software Tools”), Field of the Invention (“. . . a  
21 method and system for generating a compact Document Type Definition for ***data***  
22 ***interchange*** among software tools. . . .”), and column 4, line 61, through column  
23 5, line 15 (“. . . the present invention includes a DTD generator 19, which effects  
24 ***data interchange*** . . . by defining the contents of the messages exchanged. . . .”)

1 for confirmation that Mutschler discloses methods and systems for data  
2 interchange, as opposed to *software* delivery. Mutschler's methods and systems do  
3 not disclose or suggest enabling *software* to be delivered over a network.  
4 Accordingly, for at least this reason, this claim is allowable.

5 **Claims 30-39** depend from claim 29 and are allowable as depending from  
6 an allowable base claim. These claims are also allowable for their own recited  
7 features which, in combination with those recited in claim 29, are neither disclosed  
8 nor suggested in the references of record, either singly or in combination with one  
9 another.

10

11 **Claims 40-47**

12 As amended, **claim 40** recites a data structure embodied on a computer-  
13 readable medium comprising [emphasis added]:

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- a first sub-structure indicative of a software extension that is to be incorporated in a software application program;
- one or more second sub-structures associated with the first sub-structure and *indicating feature types that are added by the extension to the application program*; and
- one or more third sub-structures associated with the one or more second sub-structures and indicating features of an associated feature type that are added by the extension.

19

20 In making out the rejection of this claim, the Office cites to column 4, lines  
21 1-8, and 21-39 (as anticipating the first, second and third sub-structures). These  
22 excerpts are set forth below:

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25

Every property of an object has a value, and it is the property values that define the state of the object. A property can be either an attribute or a reference. An attribute defines a value that is stored within the object. For example, "current account

balance" could be an attribute of the customer account object.

Column 4, lines 1-8.

A solution in accordance with the present invention employs the benefits of XMI (XML Metadata Interchange), which is an open industry standard that combines the benefits of the Web-based XML standard for defining, validating and sharing document formats on the Web with the Meta Object Framework (MOF) to provide a means for generating formats to allow the development tools to share information. One particular use of this invention is to define an XML DTD for the object-oriented Unified Modeling Language (UML). The XMI specification provides application developers with a common language for specifying transfer syntax for development language that allows visualizing, constructing and documenting of distributed objects and business models. The XMI specification in conjunction with the present invention will enable integration of development tools from multiple vendors, collaboration and distribution of object-oriented design and database schema information, and enhancement of the life cycle of information resources.

Column 4, lines 21-39.

Applicant respectfully disagrees with the Office's rejection of this claim for the reasons the Office provides. Nowhere in these excerpts or any other portion of the reference, does Mutschler disclose or suggest sub-structures *indicating feature types that are added by the extension to an application program*, as the term "feature types" is defined and used in Application's specification. The Office's attention is respectfully drawn to Applicant's specification, page 14, lines 12-19, in addition to Table 1, all of which are reproduced below for the Office's convenience [emphasis added]:

EDFs advantageously have an "open schema" which means that third party developers can extend the extension mechanism and include their own extensions by creating their own tags. Additionally, extensions can themselves be extended by other developers. EDFs can also have one or more predefined tags. Exemplary predefined XML tags for user interface

elements can include tags for *feature types such as: tool bars, accelerators, menu items, and themes*. These feature types are utilized in the single navigable window application incorporated by reference above and defined in the table immediately below:

Feature Type	Definition
Tool Bars	Horizontal command containers above the document area.
Accelerators	Keyboard shortcuts for commands
Menu Items	Pop-up or drop-down menu choices that third parties can add to well-known, named menu attachments in the platform
Themes	A data-driven way to provide overrides for well-known resources of the platform, such as default buttons or default style sheet

Table 1

Applicant respectfully submits that Mutschler does not disclose or suggest anything analogous to Applicant's one or more second sub-structures associated with the first sub-structure and *indicating feature types that are added by the extension to the application program*, as the term "feature type" is defined and used by Applicant. Accordingly, for at least this reason, this claim is allowable.

**Claims 41-47** depend from claim 40 and are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 40, are neither disclosed nor suggested in the references of record, either singly or in combination with one another.

### Claims 48-53

**Claim 48** recites a method of delivering software via a network comprising:

- 1     • navigating to a network site that maintains at least one software  
2     application program; and
- 3     • **downloading a software application program** from the network site,  
4     the application program comprising multiple different functionalities  
5     that can assist a user in accomplishing different tasks, the software  
6     application program being configured to be extended with software  
7     extensions that are deliverable via a network and are described by at  
8     least one network-deliverable file.

9  
10    In making out the rejection of this claim, the Office cites to column 4, lines  
11 24-39 and column 5, lines 18-19. Column 4, lines 24-39, was reproduced earlier  
12 and is not repeated here. Column 5, lines 18-19, is reproduced below [emphasis  
13 added]:

14    In the disclosed embodiment, the **repository** 11 is a  
15    specialized, extensible object-oriented database application  
16    that adds value to a database system, which allows  
17    customization of a particular domain (such as application  
18    development).

19  
20    This excerpt merely indicates that Mutschler's **repository** 11 is a database  
21 application. As stated in column 4, lines 65-66, in discussing Mutschler's Figure 1,  
22 **server 10 executes a variety of software including a repository 11**. Applicant  
23 respectfully submits that a server **running** a database application is quite different  
24 from a method that allows a user to **download** a software application program.  
25 Applicant has studied Mutschler and can find no disclosure or suggestion of  
26 **downloading a software application program**. Rather, Mutschler discloses  
27 generating a XML DTD and XMI data stream for import/export. This is quite  
28 different than **downloading a software application program**. Accordingly, for at  
29 least this reason, this claim is allowable.

1           Claims 49-53 depend from claim 48 and are allowable as depending from  
2 an allowable base claim. These claims are also allowable for their own recited  
3 features which, in combination with those recited in claim 48, are neither disclosed  
4 nor suggested in the references of record, either singly or in combination with one  
5 another.

6

7           **Claim 54**

8           **Claim 54** recites one or more computer-readable media having computer-  
9 readable instructions thereon which, when executed by a computer, cause the  
10 computer to:

11

12           • navigate to a network site that maintains at least one software  
13 application program;

14           • **download a software application program** comprising multiple  
15 different functionalities that can assist a user in accomplishing  
16 different tasks, the software application program being configured to  
17 be extended with software extensions that are deliverable via the  
18 network and described by at least one network-deliverable file; and

19           • extend the software application program by adding at least one  
20 extension to the application program, the extension being added by  
21 using a link to navigate to a different network site that hosts one or  
22 more files that describe the extension, and extension files that are  
23 used to implement the extension and downloading the one or more  
24 files and the extension files to a client.

25           In making out the rejection of this claim, the Office cites to the same  
26 sections of Mutschler as were cited to in making out the rejection of claim 48. As  
27 noted above, this excerpt merely indicates that Mutschler's **repository 11** is a  
28 database application. As stated in column 4, lines 65-66, in discussing Mutschler's  
29 Figure 1, **server 10 executes a variety of software including a repository 11.**

1      Applicant respectfully submits that a server *running* a database application is  
2 quite different from a method that allows a user to *download* a software  
3 application program. Applicant has studied Mutschler and can find no disclosure  
4 or suggestion of *downloading a software application program*. Rather, Mutschler  
5 discloses generating XML DTD and a XMI data stream for import/export. This is  
6 quite different from *downloading a software application program*. Accordingly,  
7 for at least this reason, this claim is allowable.

8

9      **Claims 55-62**

10     As amended, **claim 55** recites a method comprising:

11

12     • accessing a Web site through which one or more software extensions  
13     can be obtained and *through use of which software can be delivered*;  
14     • receiving at least one file that describes at least one software  
15     extension using a hierarchical language that describes the software  
16     extension's logical attachment to a software application program;  
17     • receiving one or more software extension files; and  
18     • installing the one or more software extension files based, at least in  
19     part, on the description contained in said at least one file.

20

21     In making out the rejection of this claim, the Office cites to column 6, lines  
22     11-16 as anticipating the "accessing" act. This excerpt is set forth below:

23     The ORB 14 is coupled to the tool 15 by means of an  
24     import/export module 22; and, in a like manner to the tool 17  
25     by means of an import/export module 23. The term "import"  
26     as used herein shall mean the creation of an object based on a  
27     description of an object transmitted from an external entity.  
28     *Column 6, lines 11-16.*

1        However, this subject matter does not anticipate or suggest accessing a Web  
2 site through which one or more software extensions can be obtained and *through*  
3 *use of which software can be delivered*. As discussed above, Mutschler discloses  
4 methods and systems for generating a compact Document Type Definition (DTD)  
5 for *data interchange* among software tools. Mutschler's methods and systems do  
6 not disclose or suggest a Web site through use of which *software* can be delivered.  
7 Accordingly, for at least this reason, this claim is allowable.

8        **Claims 56-62** depend from claim 55 and are allowable as depending from  
9 an allowable base claim. These claims are also allowable for their own recited  
10 features which, in combination with those recited in claim 55, are neither disclosed  
11 nor suggested in the references of record, either singly or in combination with one  
12 another.

13

14        **Claim 63**

15        As amended, **claim 63** recites a method comprising:

16

17        • describing one or more software extensions using one or more  
18        extensible markup language (XML) files, the extensions being  
19        configured for incorporation in a software program executing on a  
20        client;  
21        • associating the one or more XML files with one or more associated  
22        extension files that are useable to provide a program functionality;  
23        and  
24        • storing the XML files and associated extension files in a network-  
25        accessible location;  
26        • said acts of describing and associating being configured to *provide*  
27        *software for delivery* over the network.

1 In making out the rejection of this claim, the Office cites to column 4, lines  
2 1-8, and 21-39. This excerpt was set forth previously and is not repeated here.

3 Applicant respectfully submits that Mutschler in general, and these excerpts  
4 specifically, do not disclose or suggest acts of describing and associating such that  
5 *software* can be provided for delivery over a network. Rather, the excerpts cited  
6 by the Office simply describe aspects of Mutschler's methods and systems for  
7 generating a compact Document Type Definition (DTD) for *data interchange*  
8 among software tools. The Office's attention is respectfully drawn to Mutschler's  
9 title ("Method and System for Generating a Compact Document Type Definition  
10 for *Data Interchange* among Software Tools"), Field of the Invention (". . . a  
11 method and system for generating a compact Document Type Definition for *data*  
12 *interchange* among software tools. . . ."), and column 4, line 61, through column  
13 5, line 15 (". . . the present invention includes a DTD generator 19, which effects  
14 *data interchange* . . . by defining the contents of the messages exchanged. . . .")  
15 for confirmation that Mutschler discloses methods and systems for data  
16 interchange, as opposed to providing *software* for delivery. Mutschler's methods  
17 and systems do not disclose or suggest acts of describing and associating being  
18 configured to *provide software* for delivery over a network. Accordingly, for at  
19 least this reason, this claim is allowable.

20  
21 **Claims 64-65**

22 As amended, **claim 64** recites a network site comprising:

23  
24  
25

- one or more software extension files configured to be incorporated  
into a software application program, the software extension files  
being configured to *allow delivery of software* via a network; and

1

- 2 one or more files associated with the one or more software extension  
3 files and describing the extension files, the one or more files  
4 describing a logical attachment of the one or more software  
5 extension files to the software application program.

6

7 The Office contends that the subject matter of this claim is disclosed in  
8 column 6, lines 11-16, column 4, lines 21-39, and column 6, lines 29-49.  
9 However, as discussed above, these excerpts do not disclose or suggest software  
10 extension files being configured to *allow delivery of software* via a network. For at  
11 least this reason, this claim is allowable.

12

13 **Claim 65** depends from claim 64 and is allowable as depending from an  
14 allowable base claim. This claim is also allowable for its own recited features  
15 which, in combination with those recited in claim 64, are neither disclosed nor  
16 suggested in the references of record, either singly or in combination with one  
17 another.

18

19 **Claims 66-69**

20 As amended, **claim 66** recites a method of managing network-based  
21 software extensions comprising:

22

- 23 grouping multiple software extension descriptions in a catalog in a  
24 network-accessible location to *enable delivery of software* via a  
25 network;
- 26 accessing the network-accessible location; and
- 27 using the catalog to update a software extension that is resident on a  
28 computing device.

29

30 In making out the rejection of this claim, the Office cites to column 5, lines  
31 16-23, to column 6, lines 11-12, and to column 6, lines 21-36. Applicant has

1 reviewed these excerpts and can find no disclosure or suggestion of grouping  
2 multiple software extension descriptions in a catalog in a network-accessible  
3 location to *enable delivery of software* via a network. Accordingly, for at least this  
4 reason, this claim is allowable.

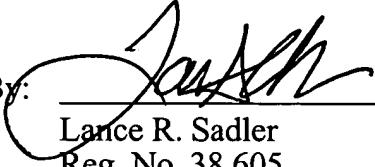
5 **Claims 67-69** depend from claim 66 and are allowable as depending from  
6 an allowable base claim. These claims are also allowable for their own recited  
7 features which, in combination with those recited in claim 66, are neither disclosed  
8 nor suggested in the references of record, either singly or in combination with one  
9 another.

10  
11 **Conclusion**

12 Applicant has studied the reference cited by the Office and has sincerely  
13 attempted to describe how the claimed subject matter patentably distinguishes over  
14 this reference. Applicant submits that all of the claims are in condition for  
15 allowance and respectfully requests that the Office withdraw the finality of the  
16 present office action and pass the application along to issuance. If the Office's  
17 next anticipated action is to be anything other than issuance of a Notice of  
18 Allowability, Applicant respectfully requests a telephone call for the purpose of  
19 scheduling an interview.

20  
21 Respectfully Submitted,

22 Dated: 2/26/04

23 By:   
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